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| 10/782,018 | 02/19/2004 | Kevin P. Fox | BHA/017 | 4299 |
| 1473 | 7590 | 07/09/2008 | | |
| ROPER & GRAY LLP PATENT DOCKETING 39/361 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704 | | | EXAMINER DAVIS, CASSANDRA HOPE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,018

Applicant(s)

FOX ET AL.

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-26 is/are pending in the application.
- 4a) Of the above claim(s) 6, 7, 10, 11, 17, 18 and 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8, 9 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 6, 7, 10, 11, 17, 18, and 23-26 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-9, 12-16, are 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsay, U. S. Patent 4,682,430 in view of Livingston, U. S. Patent 1,877,919 and Grate, US 4461107.

4. With respect to claims 1, 12, 20, and 21, Ramsay teaches price chip support strip comprising a base (frame panel 38) having an inner surface and two display windows (40) disposed inside a perimeter of the base; a recessed portion (upper and lower tacks 37) disposed on the inner surface of the base adjacent the display windows; a plurality of tiles (price chips 21) having an upper side and a lower side; and a tile carrier (price chip support strip 20) having a top portion and a lower portion. The tiles 21 are retained in the tile carrier 20 by engagement of the upper and lower sides of the plurality of tiles 21 with the top (shoulder 36, ledge 31) and bottom portions (ledge 30) of the tile carrier

and wherein the tile carrier 20 is configured to be retentively engaged by the recessed portions when the tile carrier 20 is disposed therein.

5. Ramsay does not teach the tiles (price chips 21) slidably engage with the top and bottom portions of the tile carrier or the dimensions of the first window different from the dimensions of the second window.

6. Livingston teaches a nameplate comprising a base (flat glass panel 1) having an inner surface and at least one display window (transparent face 1^a, line 56) disposed inside a perimeter of the base. Livingston also teaches one recessed portion (3) disposed on the inner surface of the base adjacent to the display window (figure 3), a plurality of tiles (plates 5) having an upper side and a lower side, and a tile carrier (holder 4) having a top and bottom portion (flanges 4^a), wherein the tiles are slidably retained in the tile carrier 4 by engagement of the upper and lower sides of the tiles with the top and bottom portions of the tile carrier (holder 4). The tile carrier (holder 4) is configured to be retentively engaged by the at least one recessed portion when the tile carrier (holder 4) is disposed therein. (See figure 3, lines 57-60).

7. Grate teaches a menu board 10 with windows or openings 11, 12, and 14, wherein at least window 11 has dimension different from the window 12. The rear of the menu board has a plurality of space bars or tile carrier for receiving and retaining a plurality of character members or tiles 15, 16, 17, and 18.

8. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct tile carrier of the price chip support strip taught Ramsay with the tile carrier taught by Livingston to provide a means to slidably retain

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the tile so as to provide a means to selectively place the tile at any desired location on the carrier. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the support frame with tracks taught by Ramsay with different dimensioned windows as taught by Grate to provide a means to display different size or dimensioned character or price members.

9. With respect to claim 2, Livingston the top and lower portion 4^a of the tile carrier (holder 4) each include a channel.
10. With respect to claim 3, the plurality of tiles (plates 5) are slideably engaging the channels.
11. With respect to claim 7, base is frame.
12. With respect to claims 8 and 19, Livingston teaches an overlay having a rear surface adjacent an outer surface of the base. The overlay comprises a coating of paint or reflective enamel. See lines 84-86.
13. With respect to claims 9 and 15, the recessed portion 3 is disposed adjacent an upper edge and a lower edge of the display window 1^a.
14. With respect to claim 14, the display window 1^a includes a recessed portion 3 disposed on an inner surface of the base. See figure 3.
15. With respect to claim 20, the method limitations are inherent in the teaching of Ramsay.
16. With respect to claims 2 and 3, Ramsay teaches the bend ledge portion 30 and 31 corresponds to channel of the top and lower portion.

17. With respect to claims 4 and 14, Ramsay teaches a first and second display window 40 disposed inside a perimeter of the base adapted to receive an image. See figure 1.
18. With respect to claim 5, each of the first and second display windows include a recessed portion (upper and lower tacks 37) disposed on the inner surface of the base 38 adjacent to the display window.
19. With respect to claims 7 and 17, the base is a photo frame.
20. With respect to claims 8 and 19, Ramsay teaches an overlay (opaque mask 39 on the forward face of the base (transparent frame panel 38) defining windows 40. See column 3, lines 31-37). The opaque has a rear surface adjacent an outer surface or forward surface of the base 38.
21. With respect to claims 9, 16, and 15, Ramsay teaches the recessed portion 37 is disposed adjacent an upper edge and a lower edge of the first and second display window 40.
22. With respect to claim 13, Ramsay teaches a first and second window disposed inside a perimeter of the base adapted to receive an image.

Response to Arguments

23. Applicant's arguments with respect to claims 1, 12, 20, and 21 have been considered but are moot in view of the new ground(s) of rejection.
24. With respect to claim 1, the applicant argues Ramsay or Livingston does not teach the dimension of the first window are different from the dimension of the second

window. This argument is moot in view of newly applied reference to Grate. Grate clearly shows windows with different dimensions. See figure 1.

25. The applicant also argues that Ramsay teaches away from the claimed invention because the combination would result in a device that does not guarantee the location or alignment of the price clips as taught by Ramsay. By using the strip taught by Livingston the space between the character members can be set by the person installing the character member thereby increasing the flexibility of the members.

26. The applicant further argues the prior art of record does not teach a display windows displaying a picture therein. The examiner contents the image on the character members taught by Ramsay, Livingston and Grate corresponds to the claimed picture.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cassandra Davis/
Primary Examiner
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